

# MAINE STATE LEGISLATURE

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EIGHTY - THIRD LEGISLATURE

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House Document

No. 309

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H. P. 965

House of Representatives, Mar. 2, 1927.

Referred to Committee on Agriculture and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Merrill of Dover-Foxcroft.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-SEVEN

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AN ACT to Regulate the Manufacture, Distribution, Sale and  
Commercial Use of Cosmetics.

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Be it enacted by the People of the State of Maine, as follows:

Section 1. No person, firm or corporation shall within  
2 this state manufacture for sale, distribute, sell or possess  
3 for distribution, sale or commercial use any cosmetic which  
4 is adulterated or misbranded within the meaning of this act.

Sect. 2. The term cosmetic as used in this act shall be  
2 construed to mean any drug and chemical and all compounds  
3 and preparations of such whether wholly or in part for use  
4 externally or by direct application for embellishing, cleans-  
5 ing, perfuming, conditioning or otherwise improving the

6 appearance of the skin, the lips, eyes, hair, nails or teeth  
7 of the human body, whether such representation be made  
8 on the label in advertisements or orally, except (a) sub-  
9 stances prescribed or applied for any purpose named above  
10 by regularly licensed doctors of medicine and doctors of  
11 dental surgery for patients whom they are personally attend-  
12 ing and (b) substances and mixtures or substances bearing  
13 only names recognized in the U. S. Pharmacopoeia or in  
14 the National Formulary, and without claims for remedial  
15 value.

Sect. 3. A cosmetic is adulterated within the meaning of  
2 this act if it contains any salt, compound or derivative of  
3 lead, arsenic, mercury, or any hydrofluoric acid, any free  
4 sodium or potassium hydroxide in excess of one-half of  
5 one per cent, and any amine derived from coal-tar hydro-  
6 carbon, and designed for use as a hair coloring and methyl  
7 alcohol.

Sect. 4. A cosmetic is misbranded within the meaning of  
2 this act—(a) if its package or label shall bear any statement,  
3 design or device which is false, misleading or deceptive in  
4 any particular, (b) if its inner and outer package labels shall  
5 fail to bear a plain and conspicuous declaration of the pres-  
6 ence and amounts, in accordance with the common method  
7 of expression, of such of the following as may be ingredi-  
8 ents, accompanied, except in the case of dentifrices and  
9 soaps, by the phrase, for External Use Only—salts, com-  
10 pounds and derivatives of silver, copper, barium, bismuth,

11 antimony, cadmium, nickel and of cobalt; any oxalic acid,  
12 balladonna or mydriatic alkaloids, and any salts or deriva-  
13 tives of such; any pyrogallic acid, calcium sulphide, formal-  
14 dehyde, aluminum chloride, aluminum oxychloride, and any  
15 free mineral acid in excess of one per cent.

Sect. 2. The commissioner of agriculture shall diligently  
2 enforce all provisions of this chapter, and shall be entitled  
3 to, and shall receive the assistance of the attorney-general  
4 and of the several county attorneys. He may recover the  
5 penalties imposed for violations of this chapter in an action  
6 of debt brought in his own name, the venue to be as in other  
7 civil cases, and if he prevails in any such action, shall recover  
8 full costs; or he may prosecute for violations hereof by com-  
9 plaint or indictment, and such prosecution shall be com-  
10 menced in the county in which the offense was committed.

Sect. 6. Any person who adulterates or misbrands within  
2 the meaning of this act any cosmetic, or any person who  
3 manufactures, sells, distributes, transports, offers or ex-  
4 poses for sale, distribution or transportation any cosmetic  
5 that is adulterated or misbranded within the meaning of this  
6 act and in violation of any provision of this act shall be  
7 punished by a fine not less than ten dollars nor more than  
8 one hundred dollars for the first offense, and by a fine not  
9 less than fifty dollars and not exceeding two hundred dollars  
10 for each subsequent offense.

Sect. 7. Municipal and police and trial justices shall have  
2 original jurisdiction concurrent with the supreme judicial

3 court and superior court of actions brought for the recovery  
4 of penalties imposed by this chapter and of prosecutions for  
5 violations hereof.

Sect. 8. This act shall take effect on January one, nine-  
2 teen hundred and twenty-eight.